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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,949	03/29/2001	Blaise Didillon	PET-1926	2944
23599	7590	05/10/2004	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			GRIFFIN, WALTER DEAN	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/819,949

Applicant(s)

DIDILLON ET AL.

Examiner

Walter D. Griffin

Art Unit

1764

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

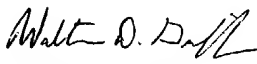
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 11-21 and 23-46.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet


Walter D. Griffin
Primary Examiner
Art Unit: 1764

Continuation of 3. Applicant's reply has overcome the following rejection(s): The rejection of claim 36 under 35 USC 112, second paragraph, is withdrawn..

Continuation of 5. does NOT place the application in condition for allowance because of the following reasons. The argument that the Carruthers reference makes no disclosure or suggestion of subsequent treatment of the effluent from the selective hydrogenation by separation into at least three fractions is not persuasive because the rejection is based on the combination of Carruthers and EP 0725126 A1. The examiner maintains that the separation into fractions and separate treating of the fractions disclosed by the EP reference provides the advantage of sulfur reduction while maintaining octane number. Since the product of the Carruthers process contains sulfur and sulfur is well known to be undesirable in gasoline, the examiner asserts that one of ordinary skill in the art would modify the process of Carruthers as suggested by the EP reference in order to obtain the advantages (i.e., sulfur reduction and octane maintenance) disclosed in the EP reference.

The argument that the Carruthers reference is devoid of any suggestion of subjecting the effluent from the selective hydrogenation to a procedure whereby the effluent is contacted with the catalyst to decompose sulfur compounds before any such separation is not persuasive because such a limitation is not claimed. Step (c2) is subsequent to separation step (b), not prior to step (b).

The argument that the Carruthers reference teaches hydrogen rates higher than claimed and that there is no motivation to use the claimed rates is not persuasive. The hydrogen consumption rates are within the claimed range of hydrogen to feed ratio and one of ordinary skill would reduce hydrogen amounts to be within this consumption range in order to reduce costs associated with the process. The assertion that higher hydrogen rates have a detrimental effect on mercaptan removal is not persuasive because example 1 in the specification does not show this. The hydrogen rate in example 1 is for the desulfurization step, not the selective hydrogenation step.

Continuation of 10. Other: After entry of the amendment, claim 36 will be rejected under 35 USC 103 over Carruthers et al. in view of EP 0725126A1 and further in view of Cecil et al. as detailed in the final rejection. .